

# The Educational Perspective

Extracts from a speech by Irving E. Carlyle, former president of North Carolina Bar Association, at Chapel Hill, July 2.

I have always had such a warm admiration for the tradition of free inquiry and free discussion which prevails at this University that I was happy to accept the invitation to talk upon some of the critical problems of the public schools under discussion in this series. In this place, the right of men and women to do their own thinking and to know truth and thought "even though it be the thought we hate" has long been jealously guarded, and ill comes the day for North Carolina if this University ceases to be a free public forum and "a marketplace of ideas." In the atmosphere largely created here at Chapel Hill and by our public schools, the people of North Carolina are accustomed to making up their own minds on public questions. That is their prerogative "from whence comes their strength." Therefore, it is fitting that we discuss in this series of talks some of the aspects of the proposed school legislation in relation to the future.

There are strong and divergent views about the methods to be followed in dealing with school segregation in North Carolina. And I may add that they are sincere views held by many honest people. Involved are deep and strong feelings and long established customs which must not be ignored. But in diversity there is strength if respect for the opinions of others is upheld and the rule of reason is observed.

To begin with, I would like to point out that law touches daily the life of every North Carolinian. Our unhappy brushes with the law, therefore, are frequent and inevitable, unless our respect for law is inbred.

It follows from this that more important than what the law does to us is what we do with the law. It is our ark of the covenant to which we must look for our refuge. On its side, the law is impersonal and impartial, and is no respecter of persons, applying equally and with indifference to all men, the privileged and the underprivileged alike.

On our side, our reaction to the law is personal and is a vital part of each of us. The way the individual reacts to law determines his outward status and his inward stability as a citizen, and stability means more than status. Observance by the individual of the letter and spirit of the law is all-important, but the regard in which the individual holds the law is of transcendent importance. By that one criterion, nations rise or fall. The true law-abiding citizen is first of

all the law-respecting citizen. And if he has been steeped in the traditions of the Anglo-Saxon race, regardless of his own race, creed, color or nationality, that respect becomes second nature.

The solution of every public problem by public authority must be based upon law. That naturally includes compulsory segregation in the public schools of our State and of every other state in America. It is now apparent that compulsory segregation of the races in the use of facilities maintained or controlled by government on whatever level is fast disappearing and soon it will have no support in law. That conclusion is inescapable if one reads the decisions of the Supreme Court of the United States which have been piling up during the last thirty years, together with a few pages of history, not to mention the Sermon on the Mount. And before we can have effective voluntary segregation as a sound safety valve, we must first abolish compulsory segregation as an instrumentality of government. The reason for this is clear: "Under a government of laws and not of men" we have fully committed ourselves to democracy as the American way of life. From that commitment, there is no turning back and not to go forward in response to law at any given time, is to turn back.

That is my purpose in these remarks, made in the sincere hope that the route taken by North Carolina at this crucial period in its history will be one of moderation and not one of extremism. It seems to me that a moderate and gradual approach to the elimination of compulsory segregation in the public schools of this country is clearly permitted by the Supreme Court of the United States in its opinions on this subject. And whether we approve or not, those opinions are the "law of the land" and are not apt to be overturned by amendment to the Constitution of the United States or by interposition, or otherwise.

It is clear that compulsory racial segregation in the public schools of North Carolina is unlawful and that any laws of this State to the contrary are invalid. This means that any laws now on the books or which will be made hereafter must yield and conform to this principle. It is as simple and as direct as that.

And this brings us to consider the report of the North Carolina Advisory Committee on Education, submitted on April 5, 1956, which will be the basis of school legislation proposed at the Special Session of our General Assembly soon to be held. At the outset, it should be said that the North Carolina Advisory Committee on Education is composed of able, loyal and conscientious citizens, whose mental and moral integrity is above question and whose devotion to the best interests of North Carolina is well known. But I am sure that they would be the first to disclaim infallibility of judgment and to uphold the right of any citizen to disagree with their conclusions.

In my opinion, the Report is based upon a premise that is not entirely tenable. The controlling proposition is laid down at the beginning of the Report as follows:

"We are of the unanimous opinion that the people of North Carolina will not support mixed schools."

It seems to me that that statement is contrary to the history of our State and to the aspirations of our people. The bedrock of our accomplishments as a State is the public school. There can be no doubt about that in the mind of anybody who knows North Carolina.

Even though a majority of the people is opposed to integration, about which there can be no question, still it does not follow that a majority favors the abandonment of our public school system rather than its preservation through a gradual compliance

with the decisions of the Supreme Court. Opposition to integration and approval of the destruction of the public schools are by no means one and the same thing, and one does not necessarily follow the other. In weighing the probability of a difference and in making that fateful choice, it should be kept constantly in mind that all that the Supreme Court of the United States requires is "a prompt and reasonable start toward full compliance."

After all is said and done, and brushing aside all non-essentials, this whole controversy may be reduced to one simple question. The question which we in North Carolina must now face and answer is simply this: Is the abandonment of our public school system, or a retreat from our former advanced position in public education, necessary in order to solve the problems created by the opinion in the Brown case? Every citizen in North Carolina is entitled to give his own answer to that question. But far more than that, he is under obligation to form and soon to express the most intelligent opinion of which he is capable. Upon their answers rests the destiny of unborn generations of children in North Carolina. The results to follow from the right or the wrong decision were never greater.

... It is readily observable that these recommendations relate to fundamental changes in the basic law of this State, to-wit: the use of public funds for the operation of private schools and a drastic change of the constitutional mandate for the operation of a free public school system. In discharge of my duty as a citizen to have, and soon to express by ballot, my opinion on these recommendations, it seems to me that the legality of grants of public funds to enable children of public school age to attend private schools is extremely doubtful, and a reduction in the scope of the constitutional mandate for the operation of the public schools is definitely a backward step. And I am not alone in that opinion, by any means, either among lawyers or laymen.

... As we struggle with this problem of the races, we should always remember that we now live in a changing world that is a community made up of peoples that are preponderantly non-white. To live with our consciences, we must be willing to let others live up to the rights given to them by law. Wisdom, virtue and goodwill are just as essential as military and economic might to the survival of the United States.

And so, we may rest assured that time and not hasty action will bring the right answer to all our racial problems in the schools and elsewhere. And I am convinced, as you are too, no doubt, that the answer given by time will be shaped by the conscience of man and will be in keeping with his moral concept of justice under law to all men.